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REMARKS

Applicant appreciates the courtesies that were extended to Applicant and Applicant's prior attorney by Examiner Brown and SPE Morse during prosecution of the parent application. Applicant continues to believe that patentable subject matter is present. Accordingly, the undersigned has been asked to take a fresh look at the application in view of the prior prosecution and art cited by the Examiner. A Revocation of Power of Attorney and New Power of Attorney is being filed concurrently.

In response to the undersigned's review, rather than filing an Appeal Brief for sole remaining Claim 41, Applicant is filing the present Amendment as part of a Request for Continued Examination (RCE). Claims 1-55 have been canceled, and new Claims 56-62 are being filed to provide a compact claim set that highlights aspects of the present invention that are believed to be patentable over the cited art. To facilitate the Examiner's consideration, each of the new claims will be analyzed below with respect to the support for the claims in the present application and the patentable distinctions over the cited art. Applicant has also amended the specification to correct typographical errors that were noted upon review.

Request for Telephone Interview

In order to facilitate allowance of the present application, the undersigned respectfully requests a telephone interview with Examiner Brown and SPE Morse, should a Notice of Allowance not be issued in response to the present RCE and Amendment. Applicant appreciates in advance this opportunity, should it be needed. An Applicant Initiated Interview Request Form (Form PTO-413A) is being filed concurrently.

Claim 56 Is Patentable

Claim 56 recites a commercial transaction processor that comprises:

an authorization system that is configured to receive a request to authorize the commercial transaction, to determine whether or not the commercial transaction is authorized and to send an authorization indicator to indicate whether or not the transaction is authorized;....

Support for this authorization system may be found, for example, at Page 9, line 11-Page 10, line 6 of the specification:

When a customer attempts to make a purchase using a credit card, credit card reader 205 obtains data from the credit card and sends it to a computer 207 located in a processing center 206 associated with the credit

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card provider. Computer 207 can be any computer capable of carrying out the processing described in the present specification. Such computers are well-known to those skilled in the art and need not be described further. The data sent to computer 207 typically includes merchant identification data, the amount of the transaction, the credit card number and date and time of the transaction. Computer 207 uses the data to determine whether it should authorize the transaction. For example, computer 207 uses the credit card number and transaction amount to perform a database lookup in a database 208 to determine whether the transaction exceeds the credit limit of the credit card. If the transaction is to be authorized (*i.e.*, the credit limit has not been exceeded), computer 207 appropriately records the transaction, for example, debits the credit card account by the amount of the transaction, and transmits a reference number and authorization code to point of sale device 204. The reference number is a number that is used to identify the particular credit card transaction. The authorization code advises merchant 202 that the transaction has been authorized and the sale can be completed.

Claim 56 also recites:

a monitoring system that is configured to send a notification message of the commercial transaction to a payer of the commercial transaction substantially simultaneously with the sending of the authorization indicator by the authorization system, the notification message including therein a help communication address for assistance with the commercial transaction.

Support for this recitation may be found, for example, at Page 10, lines 7-12 of the present application:

According to a preferred embodiment of the present invention, database 208 also contains data indicating whether payer of the credit card subscribes to a monitoring service. If the payer subscribes to the monitoring service, then, substantially simultaneously with sending the reference number and authorization code to point of sale device 204, processing center 206 notifies the payer that the transaction is taking place.

Further support may be found, for example, at Page 11, lines 8-17 of the specification:

After receiving the notification address from database 210, computer 207 sends a notification message to the payer to notify the payer that the transaction is occurring. In the preferred embodiment of the present invention, the notification message includes the following information: the merchant name (or merchant ID number), merchant address, amount of the transaction, date and time of the transaction, name on credit card, help number (to report criminal activity, *e.g.*, phone number of credit card company), whether the transaction was authorized or denied, and the reference number of the transaction. The information in

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the notification message is similar to the information that the payer receives in the periodic statement of transactions.

In formulating Claim 56, the cited art (U.S. Patents 5,708,422 to Blonder et al.; 6,047,268 to Bartoli et al.; 5,530,438 to Bickham et al. and 6,064,990 to Goldsmith) was carefully reviewed. Blonder et al. does not appear to describe or suggest any aspect of "the notification message including therein a communication address for assistance with the commercial transaction", as recited in Claim 56. Bartoli et al. appears to describe the use of a message that invites the initiator of a transaction to contact a customer assistance representative at a specified phone number at, for example, Column 7, lines 28-33, Column 8, lines 52-55 and Column 9, lines 23-28. However, the message is part of a transaction authorization process, wherein contacting a customer assistance number appears to be necessary in order for the transaction to be authorized. There does not appear to be any description or suggestion in Bartoli et al. of identifying a phone number when sending a mere monitoring message after the transaction has already been authorized. Moreover, in Bartoli et al., the transaction is initiated by a client and the authorization message is sent to the very same client. If the client is a fraudulent user, Bartoli et al. would send a monitoring message back to the fraudulent user, which would operate contrary to the desire to thwart the unauthorized user. Accordingly, Bartoli et al. does not appear to describe or suggest monitoring a commercial transaction wherein a notification message is sent to a payer of the commercial transaction substantially simultaneously with sending of an authorization indicator, as recited in Claim 56, and certainly does not appear to describe including a help communication address in the notification message, as also recited in Claim 56. Moreover, even if Blonder et al. and Bartoli et al. were combined, a notification message would be sent to the initiator of the commercial transaction, rather than to the payer of the commercial transaction, as recited in Claim 56.

Bickham et al. does not appear to describe or suggest the use of any kind of help communication address as part of an alert. Finally, Goldsmith appears to describe, at Column 5, lines 2-5, that a user may contact the financial institution to report fraud upon receipt of notification of an unauthorized transaction, but does not describe or suggest how this could be done.

Accordingly, the cited art does not appear to describe or suggest sending a notification message including therein a help communication address substantially simultaneously with

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the sending of the authorization indicator by an authorization system, as recited in Claim 56.

As was described in the present application, for example, at Page 16, lines 10-12:

Because there is contact information in the notification message, the account holder can notify the appropriate authority in the event of unauthorized access, at the time the account is accessed.

Accordingly, Claim 56 is patentable for at least the above reasons.

Independent Claim 60 Is Patentable

Independent Claim 60 recites an authorization system as was recited in Claim 56, and recites that the monitoring system provides a notification message that includes therein:

...a communication address for reporting criminal activity that is related to the commercial transaction.

Support for these recitations is provided, as was described above in connection with Claim 56. Examples of communication addresses for reporting criminal activity may include police, Better Business Bureau (BBB), fraud prevention bureau and/or other fraud monitoring agencies known to those having skill in the art.

Upon review, Applicant respectfully submits that none of the cited art analyzed above appears to describe or suggest providing a notification message including therein a communication address for reporting criminal activity that is related to the commercial transaction. For at least these reasons, Claim 60 is patentable.

Independent Claim 62 Is Patentable

Independent Claim 62 recites an authorization system as was recited in Claims 56 and 60, and recites that the monitoring system provides a notification message that includes therein:

...identifying information related to the commercial transaction, and other information that may be desired by the payer that is independent of the commercial transaction.

Support for these recitations may be found as was described above in connection with Claim 56. Examples of such other information that may be desired by the payer may include advertising information, information on other offers that are being provided by a credit card company, and/or any other transaction-independent information known to those having skill in the art.

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Upon review, Applicant is unable to find any disclosure or suggestion in the cited art that the notification message may include identifying information related to the commercial transaction and other information that may be desired by the payer that is independent of the commercial transaction. For at least these reasons, Claim 62 is patentable.

The Dependent Claims Are Separately Patentable

The dependent claims are patentable at least per the patentability of the independent claims from which they depend. Moreover, the dependent claims are separately patentable for at least the reasons that now will be described.

Dependent Claim 57 combines the recitations of Claim 60 with those of Claim 56. Claim 57 is separately patentable because the cited art does not appear to describe or suggest a notification message including therein a help communication address for assistance with the commercial transaction and a communication address for reporting criminal activity that is related to the commercial transaction.

Dependent Claim 58 combines the recitations of Claims 56 and 62. Claim 58 is separately patentable because the cited art does not appear to describe or suggest that the notification message includes therein a help communication address for assistance with the commercial transaction, identifying information related to the commercial transaction and other information that may be desired by the payer that is independent of the commercial transaction.

Dependent Claim 59 combines the recitations of independent Claims 56, 60 and 62. This claim also is separately patentable because the cited art does not appear to describe or suggest that the notification message includes therein a help communication address for assistance with the commercial transaction, a communication address for reporting criminal activity that is related to the commercial transaction, identifying information related to the commercial transaction and other information that may be desired by the payer that is independent of the commercial transaction, as recited in Claim 59.

Finally, dependent Claim 61 combines the recitations of independent Claims 60 and 62. This claim is separately patentable because the cited art does not appear to describe or suggest that the notification message includes therein a communication address for reporting criminal activity that is related to the commercial transaction, identifying information related

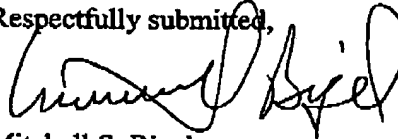
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to the commercial transaction, and other information that may be desired by the payer that is independent of the commercial transaction.

Conclusion

As stated above, the undersigned has taken a fresh look at the prior prosecution, and has attempted to identify those areas that are not described or suggested by the cited art, taken singly or in combination. In view of the above analysis, Applicant respectfully requests allowance of Claims 56-62. Moreover, as stated above, if allowance is not forthcoming, Applicant respectfully requests a telephone interview prior to issuance of an Official Action, so that any outstanding issues can be resolved.

Respectfully submitted,

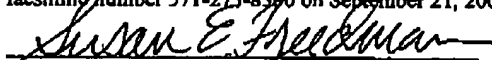


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Susan E. Freedman

Date of Signature: September 21, 2005